

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

Rich Whitney, Green Party candidate for
Illinois Governor, **LeAlan Jones**, Green Party
candidate for U.S. Senator from Illinois,
Illinois Green Party, an established political
party in Illinois,

Plaintiffs,

v.

**Window To The World Communications,
Inc.**, a/k/a WTTW-11 Chicago, **Daniel J.
Schmidt**, individually and in his professional
capacities, **Mary Field**, as Executive Producer,

Defendants.

Court No.: **2010-cv-7003**

Honorable Robert W. Gettleman

Magistrate Judge: Sidney Schenkier

UNCONTESTED MOTION FOR ENLARGEMENT OF TIME

Now come the Plaintiffs, through counsel, and respectfully move this court for an enlargement of the time to file Plaintiffs' response to Defendants' motion to dismiss, as well as a corresponding enlargement of time for Defendants to file their reply, and further state as follows.

1. Plaintiffs' first amended complaint was filed on April 5, 2011 and raises claims arising under the First, Fifth, and Fourteenth Amendments of the Constitution of the United States, resulting from the Defendants' denial of Plaintiffs' access to the public airwaves and public broadcast media through exclusion of Plaintiffs from the State of Illinois gubernatorial and US senatorial debates aired on publicly funded television station WTTW-11, which is owned and operated by Defendants.

2. Defendants filed their Fed. R. Civ. P. 12(b)(6) motion to dismiss, alleging that Defendants failed to state claims upon which relief could be granted, specifically, that Defendant, Window To The World Communications, Inc., was not a state actor, and its decision regarding which candidates to include/exclude from its televised debates did not amount to state action.

3. Defendants' motion was presented to this honorable court on April 26, 2011, at which time Plaintiffs were given leave to issue written discovery, and a briefing schedule was entered wherein Plaintiffs were given leave to file a Response by June 21, 2011, and Defendants were given leave to file a reply by July 8, 2011. The motion was not scheduled for oral argument or hearing, but a status hearing was set for August 23, 2011.

4. Given the scope and import of the issues being briefed, Plaintiffs request an additional two weeks, from June 21, 2011 to July 5, 2011, to file their response brief; similarly, they request the time for Defendants to file their reply brief be extended by two weeks, from July 8, 2011 to July 22, 2011.

5. Counsel for Plaintiff, Andrew Finko, spoke with lead counsel for Defendants, Richard O'Brien, on Monday June 20, 2011, and counsel for Defendants stated that Defendants had no objection to the proposed enlargement of time recited in Paragraph 4, above.

6. This request is not made for purposes of delay, and will not prejudice any of the parties. The currently scheduled status hearing on August 23, 2011 will proceed as scheduled.

WHEREFORE, Plaintiffs, through counsel, respectfully request an enlargement of time to file their response to Defendants' motion to dismiss, and a revision of the briefing schedule in this court's April 26, 2011 Minute Order, as follows:

- (a) Plaintiffs response to Defendants motion to dismiss is due by July 5, 2011;
- (b) Defendants reply in support of motion to dismiss is due by July 22, 2011.

Date: June 20, 2011

Respectfully submitted:

/s/
Christopher D. Kruger, counsel for Plaintiffs

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Plaintiffs,

V.

Window To The World Communications, Inc., a/k/a WTTW-11 Chicago, **Daniel J. Schmidt,** individually and in his professional capacities, **Corporation for Public Broadcasting,**

Defendants.

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he caused a copy of the foregoing *Uncontested Motion for Enlargement of Time* to be served upon the counsel of record for Defendants:

Richard O'Brien, Linda Friedlieb, Robert Leighton
Sidley Austin LLP, One South Dearborn Street, Chicago, Illinois 60603

by ECF electronic mail service, pursuant to Local Rule 5.9, on June 20, 2011.

/s/
Christopher D. Kruger, counsel for Plaintiffs

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